Supreme Court, U.S.
FILED

NO. 03 164 JUN 2 - 2003

IN THE

SUPREME COURT OF THE UNITED STATES

Rickey Townsend

v.

Wade Renstrom,
James Gold,
David Hoffmann et.al.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the
Seventh Circuit

Pro Se Petitioner
Mr. Rickey Townsend
Post Office Box 912
520 Lee Street
Wisconsin Rapids, WI 54495
(715) 424-4246

The questions presented for review is:

1. Whether the court of appeals errored in not addressing terrorism and not disqualifying the Chief District Judge as of the date of knowledge of the earliest known violation of 28 U.S.C. 455(a), for abuse of discretion under 28 U.S.C. 1915 and the Code of Conduct of the United States Judges. Thus requiring that her findings of fact and conclusions of law be vacated, and the case be moved out of the jurisdiction of the state of Wisconsin.

2. The Prison Litigation Reform Act of 1995 cannot be applied broadly to include law enforcement officers, this standard is violating law enforcement officers constitutional rights in judicial litigation.

List of Parties Rule 14(a)

The parties to the proceedings before the United States Court of Appeals for the Seventh Circuit were petitioner Rickey Townsend and respondents the United States Attorney's Office Western District of Wisconsin for James Wayman, Steve Lentz, Judy Langhurst Dewar, Keith O' Neal and Dave Shy. Corneille Law Group for David Hoffmann, James Logan, Dan Manders, and the Hess Memorial Hospital. The law offices of Stilp & Cotton for James Gold. Other respondents Leon Radant, Wade Renstrom, Lenny Graves, Greg Liska, James Reed, Bruce Borchert, Deb Paske, Mike Moore, Thomas Hayes, Two John Doe (Control Center Officers at Federal Correctional Institution, Oxford WI), Ann B. Shindell, Arron Phillips and Richard Steadtler.

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Jurisdiction Rule 14(e)

The Supreme Court of the United States has jurisdiction initially to determine whether a case is properly before it for review under 28 U.S.C. 1254, even if it ultimately decides the court of appeals did not have jurisdiction over the case initially. Conversely, if the Court determines that the appeal was rightfully before the court of appeals, it may proceed to address the merits of the case. United States v. Nixon, 418 U.S. 683, 691-692, 94 S. Ct. 3090, 41 L. Ed. 2d 1039 (1974)

The court of appeals did not issue an opinion on the appeals case nos. 02-2714-02-2715, nor gave the petitioner the opportunity to be heard in a court of law. Supreme Court Rule 11 states that before judgement is entered in the United States court of appeals it will only be granted upon showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and require immediate determination by this Court. The only way to do that is by transcripts done under oath in a hearing. I was never granted a hearing or Oral Argument by the United States Seventh Circuit Court of Appeals nor in the Federal Western District of Wisconsin. The United States Seventh Circuit Court of Appeals has not answered any important questions of federal law nor presented any Supreme Court case law to review. Supreme Court Rule 10(c) The United States Court of Appeals did not dispose of the entire case, only five government respondents, James Wayman, Steve Lentz, Judy Langhurst Dewar, Keith O' Neal and Dave Shy. The Western District of Wisconsin United States Attorney cannot take the lead to shut down the entire appeal for all respondents listed on

the appeal. (A111) On April 4, 2003 the petitioner's application to extend time to file a Writ of Certiorari was granted by Justice Stevens, whom extended the time to and including June 13, 2003.

Petitioner invokes 28 U.S.C. 1254(1), by writ of certiorari, granted upon the petition of any party to any civil or criminal case before or after rendition of judgement or decree. This Court should accept jurisdiction if for no other reason than to correct the wrong- ful approach taken by the lower courts and to give the issue the kind of treatment that, on a matter of such fundamental public importance, the country so virtually needs and deserves.

Constitutional Provision Involved Rule 14(f)

The Supreme Court has spent more than a century answering the question of what due process means. The first time it considered the matter, it noted that the phrase "due process" probably meant no more than those who wrote in into the Bill of Rights than simply by the law of the land" -that is by accepted legal procedures. Murray's Lessee v. Hoboken Land and Improvement Co., 18 How. 272 (1856) A matter of fact origin, however, the guarantee of due process had expanded into the basic constitutional assurance to the individual that the government will deal fairly with him or her. Justice Rutledge in 1947 "at times", he wrote, "the way in which courts preform their function becomes as important as what they do in result. In some respects matters of procedure constitute the very essence of ordered liberty under the Constitution." United States v. United Mine Workers, 330 U.S. 258 at 342 (1947)

Our founding fathers of this great Nation foresaw the changes in the future and had confidence in posterity, and because they knew as John Marshall said that the "Constitution was intended to endure for the ages to come and be adapted to a various crisis of human affairs", they accepted the keyword "adapted" as natural term interpretation of the Constitution. On What the Constitution Means (1984) , Sotirios A. Barber wrote: "The aspirational tone of the Constitution is unmistakable in the Preamble." That preface sets out the republics purposes, not only to achieve a more perfect union, national defenses, the general welfare, and domestic tranquillity but also to "establish justice" "an secure the blessings of liberty to ourselves and our posterity." quoted from The United States Constitution and the Supreme Court The Constitution of the United States is a protection against oppression. The letter spirit of the Constitution is satisfied if, where a criminal purpose is executed, the criminal purpose be punished. Brown v. Elliott, 225 U.S. 392, 32 S. Ct. 812, 56 L. Ed. 1136 The words life, liberty and property as used in constitutions are representative terms and are intended to cover every right to which a member of the body poltic is entitled to under law. In short, all that makes life worth living, or all the rights consistent with public safety. The liberty is thus guaranteed is a very broad and extensive concept. Gillespie v. People, 188 Ill. 176, 58 N.E. 1007 (1900) McKinster v. Sager, 163 Ind. 671 72 N.E. 854 (1904) In re Flukes, 157 Mo. 125 57 S.W. 545 (1900)

The Hon. Attorney General John Ashcroft was quoted as stating in an immediate press release on February 20, 2003 pertaining to indictments on the members of the Palestinian Islamic Jihad charged with racketeering and

conspiracy "Our message to them is clear: We make no distinction between those who carry out terrorist attacks and those who knowingly finance, manage or supervise terrorist organizations. We will bring justice to the full network of terror." The Attorney General Ashcroft was also quoted as stating in an DOJ press release on Martin Luther King, Jr. Day in the Great Hall on January 17, 2003 "Dr. King spoke of a dream -a dream deeply rooted in the American dream- of a nation that rises up to live out of the true meaning of its creed; an America in which all men and women are guaranteed the inalienable rights of life, liberty and the pursuit of happiness. At the Department of Justice, it is our mission to safeguard and to these rights -for all of God's children. Our duty is to defend freedom through the law by its very definition excludes no American on the basis of his or her religion, sex and creed. Fulfilling this duty is the obligation of each and every one of us."

The Fourteenth Amendment to the Constitution of the United States of America provides ".....nor shall any State deprive any person of life, liberty, or property, without the due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws."

Statement of Case Rule 14(g)

Petitioner presents a novel case of imperative public government importance that must be addressed by this Court. Freedman v. Maryland 380 U.S. 51, 131 Ed. 2d 649, 85 S. Ct. 734 (1965). Petitioner has served the United States of America in the United States Military and as a Senior Corrections Officer for the Federal Bureau of Prisons. Petitioner witnessed terrorist activity at the Federal Correctional Institution, Oxford Wisconsin, petitioner was at low rank, GS-6 than went to GS-7. When petitioner started questioning the integrity of certain Bureau of Prisons co-workers about what was going on and why they were performing illegal activity against Bureau of Prison policy, and why inmates were allowed to receive terrorist material prior to the World Trade Center Bombing on February 26, 1993, petitioner was told to concern himself with other matters. Petitioner soon discovered that certain staff and officials of the Bureau of Prisons were members and promoting white supremacy terrorist groups. When these Bureau of Prisons staff members discovered that petitioner wasn't a team player for the illegal activity and terrorism being preformed, petitioner became a threat that ultimately could not be stopped from talking about what petitioner witnessed and gathered. From that point on certain inmates of the Bureau of Prisons and staff members were used to go against the petitioner and discredit petitioner. After desperately attempting to transfer to another federal correctional institution, it had proven unsuccessful. Because on October 11, 1995, the petitioner was intentionally poisoned, by the same Bureau of Prisons officials (co-workers) through coffee in the Waupaca Unit Secretaries Office, at the Federal Correctional

Institution, Oxford Wisconsin in a controlled environment away from inmate open accessibility.

This case demonstrates through evidence a conspiracy to evade criminal charges by respondents, witness intimidation and deaths, contamination of property evidence by the State of Wisconsin's judicial approval (Wood County), and delay of due process rights in the Federal Western District of Wisconsin Court which can be proven in a Court of Law in the Federal District of Minnesota.

Concise Argument for Allowance of Writ of Certiorari Rule 14(h)

The District Court found the conspiracy claims pursuant to 42 U.S.C. 1983, 42 U.S.C. 1985 (1)(2)(3) and the Ku Klux Klan Act of 1871 to be legally frivolous without prejudice. The District Court dismissed almost the entire case on February 8, 2002 pursuant to 28 U.S.C. 1915(e)(2), and denied petitioner any legal counsel, permitting only a few Title VII claims realigning the entire lawsuit. Even though the Chief Judge did specify the petitioner didn't allege a title VII with the court when referring to race discrimination claims, rather a 42 U.S.C. 1983 claim. (A112) Petitioner filed a Motion to Reconsider the Chief Judges decision on February 15, 2002, which was denied on all relief requested.(A113) Petitioner did petition the Chief Judge for an Interlocutory Appeal on March 22, 2002 which was denied certification. (A114) Petitioner's constitutional due process rights were violated, and petitioner was held throughout the whole judicial proceedings that lasted several months of pleadings, to the "Law of the Case

doctrine", being Denton, Director of Corrections of California, et.al. v. Hernandez 504 U.S. 25, 32-33 (1992)

The "Law of the Case doctrine" is defined in Pescatore v. Pan American World Airways, Inc. 97 F. 3d 1 (2nd Cir. 1996) as when the court decides upon a rule of law, that decision should continue to govern same issues in subsequent stages in same case. The Chief Judge improperly applied 28 U.S.C. 1915 (e)(2), to petitioners case, as a form of abuse of discretion. Allowing the district rulings to stand will erode the public's confidence in the judicial process. Liljeberg v. Health Services Acquisition Corp. 486 U.S. 847 (1988) "We must continuously bear in mind that to preform its high function in the best way justice must satisfy the appearance of justice." (quoting Liljeberg, 486 U.S. at 864 internal quotation omitted) The Chief Judge cited a respondent's Leon Radant's medical one page report that was submitted by petitioner, as a usage of dismissal of the case pleadings in the February 8, 2002 order. (A112) This was done without knowing if the evidence was even credible, and also the respondent/defendant never answered the complaint nor responded to appeal briefing in the District Court neither in the Seventh Circuit Court of Appeals. However, petitioner had expert witnesses that were never even acknowledged by the Chief Judge, that are Doctor's whom are going to testify that petitioner was poisoned on October 11, 1995, at the Federal Correctional Institution, Oxford WI and testify on all medical records. 18 U.S.C. 115 & 1114 It is important to be neutral "it preserves both the appearance and reality of fairness, generating a feeling, so important to popular government, that justice has been done, by ensuring that no person will be deprived of his interests in the absence of a proceeding in

which he may present his case with assurance that the arbiter is not predisposed to find against him." quoting Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 172, 95 L. Ed. 817, 71 S.Ct. 624, (1951) 28 U.S.C. 455(a), requires a judge to disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

The Prison Litigation Reform Act of 1995 was passed in respect to appropriate prison conditions, Public Law 104-134 - April 26, 1996. This Act has encompassed within it a broad look into a civil action with respect to prison conditions, with it encompassing mainly prisoners rights. It is true that law enforcement officers do not have any Acts in Congress that protect them, in a case similar to petitioners novel case. Law Enforcement Officers in novel circumstances as petitioner should not have to be classified as a Whistle blower just because they follow the policies and procedures of the Institution or Jail they work at. Especially, if the law enforcement officer as in petitioners case, is reporting terrorism and as a result these terrorist's attempt to murder petitioner. It is dangerous to report this type of situation to the agency because there is a tendency for retaliation and cover-ups of information. Nothing is worse than attempting to civil litigate to obtain judicial relief and law enforcement officers as petitioner are treated as prisoners with limited or no rights to due process. It is safe to say that petitioner being denied in the Federal Western District of Wisconsin all of his judicial due process rights, dismissal pursuant to 28 U.S.C. 1915(e)(2), denial of any legal counsel by Chief Judge and agency, denial to present criminal evidence to the United States Attorney, and being classified under prisoner case law, that petitioner is

being treated with prisoner rights throughout the judicial process in the Federal Western District of Wisconsin and in the Seventh Circuit Court of Appeals. Even though petitioner is currently on Federal Workers Compensation Programs till the year 2036, and is listed pursuant to 5 U.S.C. 8101 et seq., which has just came to petitioners attention.

The petitioner is in a controlled environment on the outside of the prison similar to conditions of a prisoner whom has been released and is on parole. The prisoner is monitored continually, by local, state and federal government officials. The Court must understand that the Bureau of Prison staff, petitioner refers to are trained to work in a controlled environment that can be transferred and applied in there personal lives. The Bureau of Prisons has policies that encourage employees to have a good working relationship with local county, state and community governments, and also encourages them to join organizations, which is being abused. The Section of 18 U.S.C. 241 prohibit's conspiracy to injure, oppress, threaten or intimidate any citizen in the free excersize or enjoyment of a right or privilege secured to him by the Constitution or laws of the United States extends to conspiracies with the respect to rights and privledges protected by the Fourteenth Amendment and extends to conspiracies otherwise in the scope of this section, participated in by officials alone or in collaboration with private persons. U.S. v. Price U.S. Miss. 1966, 86 S. Ct. 1152, 383 U.S. 787, 16 L. Ed. 2d. 267

The Chief Judge didn't even respond to a majority of all of the petitioners pleadings which were done in good faith by petitioner. On May 29, 2002 a Motion for

Special Prosecutor was submitted by petitioner accompanied with a Memorandum of Points and Authorities which was not answered at all by the Court. The petitioner asked for a Special Prosecutor from outside of the State of Wisconsin to be appointed to investigate death of witnesses, Imperial Klans of America Knights of the Ku Klux Klan and other white supremacy groups membership as federal bureau of prisons employees at the Federal Correctional Institution, Oxford WI. The Federal Western District Court did not give any response, and by that set a precedent for membership into white supremacy hate groups using petitioner as an example of what respondents can get away with. (A115)

The petitioner was pleading prison conditions both criminal and civil violations of federal law in all pleadings. The petitioner was seeking also relief of an investigation and discovery pertaining to the incidents at the Federal Correctional Institution, Oxford WI, and that was all denied. There was no formal order or opinion by the Chief Judge in the district court nor the court of appeals judges on the terrorism nor criminal violations of federal law pursuant to the United States Titles in the pleadings and appeal briefing. Petitioner was prepared to present more evidence and if given legal counsel petitioner would have amended the pleadings correctly, and testified under oath in front of a federal judge pursuant to the Federal Rules of Criminal Procedure Rule 3 and 4 (a)(b)(1), for warrants. Knowing that petitioner is pro se, petitioner pleadings are to be constructed liberally and held to less stringent standards than formal pleadings drafted by lawyers. Haines v. Kerner, 404 U.S. 519.30 Led. 2d 652.92 S. Ct. 594 (1972); U.S. v. Sanchez, 88 F3d 1243 (D.C. Cir. 1996) Courts will go to particular

pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result.

Conclusion

I respectfully pray to the United States Supreme Court to grant the Writ of Certiorari.

DATED this 31st day of May 2003.

Mr. Rickey Townsend
Pro Se Petitioner

Post Office Box 912
520 Lee Street
Wisconsin Rapids, WI 54494
(715) 424-4246

Subscribed and Sworn to before me
this 31st day of MAY, 2003

William F. Gardiner
Notary Public
My Commission is permi...

WILLIAM F. GARDINER NOTARY PUBLIC STATE OF WISCONSIN